




Entered on Docket
October 13, 2010


Hon. Mike K. Nakagawa
United States Bankruptcy Judge

WILDE & ASSOCIATES
Gregory L. Wilde, Esq.
Nevada Bar No. 004417
212 South Jones Boulevard
Las Vegas, Nevada 89107
Telephone: 702 258-8200
Fax: 702 258-8787

U.S. Bank National Association, as Trustee for Credit Suisse First Boston ARMT 2005-9
09-74984

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Shandell Lea Auten

Debtor.

BK-S-09-22229-mkn

MS Motion No. 43

Date: 9/8/10

Time: 1:30

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing in the above-entitled Court, all appearances as noted on court record, and based upon all the papers and pleadings on file herein and good cause appearing therefor,

//

1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the
 2 post-petition arrearages currently due as follows:

3	3 Monthly Payments(s) at \$1,753.91	\$5,261.73
4	(July 1, 2010 - September 1, 2010)	
5	2 Late Charge(s) at \$73.05	\$146.10
6	(July 1, 2010 - August 1, 2010)	
7	Motion for Relief Filing Fee	\$150.00
8	Attorneys Fees	\$750.00
9	Total	\$6,307.83

10 The total arrearage shall be paid in six monthly installments. Payments one through five
 11 (1-5) in the amount of \$1051.31 shall be in addition to the regular monthly payment and shall be
 12 due on or before the 20th day of the month commencing with the October 20, 2010 payment and
 13 continuing throughout and concluding on or before February 20, 2011. The sixth final payment
 14 in the amount of \$1051.28 shall be paid on or before March 20, 2011.

15 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume
 16 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
 17 beginning with the October 1, 2010, payment, on Secured Creditor's Trust obligation,
 18 encumbering the subject Property, generally described as 3406 Cinnamon Creek Avenue , North
 19 Las Vegas, NV 89031, and legally described as follows:

20 Lot 35, Block 1, Ann/Allen byy Pardee Unit 1, map Book 99 of Plats, Page 13, amended
 21 by Certificates of Amendment recorded April 12, 2001, in Book 20010412, and 01666 and
 22 recorded September 6, 2001, Book 20010906, as Document No. 02599, in the Office of the
 23 County Recorder of Clark County, Nevada.

24 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make
 25 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
 26 Creditor's Trust Deed obligation, allowing the normal grace period, then Secured Creditor may file
 and serve upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of
 Condition. For each such Declaration Re Breach of Condition filed, there shall be assessed an
 attorney fees of \$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth

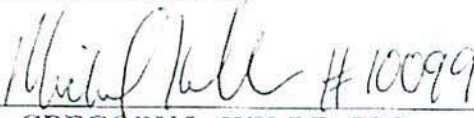
(16th) day Debtors have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed with foreclosure proceedings upon the subject Property, pursuant to applicable State Law, and take any action necessary to obtain complete possession thereof.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor shall give Debtor at least five business days' notice of the time, place and date of sale.

Submitted by:

WILDE & ASSOCIATES

By

 #10099
GREGORY L. WILDE, ESQ.

Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

APPROVED AS TO FORM & CONTENT:

Rick A. Yarnall

By

 9-27-10
Rick A. Yarnall

Chapter 13 Trustee
701 Bridger Avenue #820
Las Vegas, NV 89101

Sam Benevento

By


Sam Benevento

Attorney for Debtors
1945 E. Warm Springs Road
Las Vegas, NV 89119

Nevada Bar No. 3676

1 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
2 reflects the court's ruling and that (check one):

3 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

4 ☐ No party appeared at the hearing or filed an objection to the motion.

5 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
6 any unrepresented parties who appeared at the hearing, and each has approved or
7 disapproved the order, or failed to respond, as indicated below [list each property and
8 whether the party has approved, disapproved, or failed to respond to the document]:

9 ☒ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
10 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
11 order.

12 Debtor's counsel:

13 ☒ approved the form of this order ☐ disapproved the form of this order

14 ☐ waived the right to review the order and/or ☐ failed to respond to the document

15 ☐ appeared at the hearing, waived the right to review the order

16 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

17 Trustee:

18 ☒ approved the form of this order ☐ disapproved the form of this order

19 ☐ waived the right to review the order and/or ☐ failed to respond to the document

20 ☐ This is a chapter 9, 11, or 15 case, and I have delivered a copy of this proposed order to all
21 counsel who appeared at the hearing, and any trustee appointed in this case any unrepresented
22 parties who appeared at the hearing, and each has approved or disapproved the order, or failed to
23 respond, as indicated below.

24 Debtor's counsel:

25 ☐ approved the form of this order ☐ disapproved the form of this order

26 ☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ appeared at the hearing, waived the right to review the order

☐ matter unopposed, did not appear at the hearing, waived the right to review the order

Trustee:

☐ approved the form of this order ☐ disapproved the form of this order

☐ waived the right to review the order and/or ☐ failed to respond to the document

☐ I certify that I have served a copy of this order with the motion, and no parties appeared or filed
written objection.

Submitted by:

/s/ Gregory L. Wilde, Esq.

Gregory L. Wilde, Esq.

Attorney for Secured Creditor